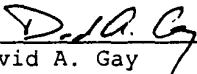


Inventors: Osborne and Ramesh
Serial No.: 09/323,738
Filed: June 1, 1999
Page 2

- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ The Commissioner is hereby authorized to charge to Deposit Account No. 03-0370 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

February 19, 2002
Date



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Osborne and Ramesh)
Serial No: 09/323,738)
Filed: June 1, 1999)
For: COMPOSITIONS AND METHODS)
FOR TREATING DIABETES)

Group Art Unit: 1644

Examiner: G. Ewoldt

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February 19, 2002.

Commissioner for Patents
Washington, D.C. 20231

By:

David A. Gay
David A. Gay, Reg. No. 39,200

February 19, 2002
Date of Signature

RESPONSE TO OFFICE ACTION

Responsive to the Office Action mailed
September 19, 2001, entry of the following remarks is
respectfully requested.

REMARKS

Claims 1-40 are pending and claims 17-39 are currently
under examination in the above identified application.

Claims 17-39 stand rejected under 35 U.S.C. § 112,
first paragraph, allegedly because the scope of the claims is not
commensurate with the enablement provided in the specification.
The Office Action alleges that the claims encompass a non-working
embodiment because they include the use of transfected β islet
cells which contain antigens that would target the cells for
destruction in a diabetic individual.